

## § 576.8

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### § 576.8 Malfunctions covered.

For purposes of this part, “malfunctions that may be related to motor vehicle safety” shall include, with respect to a motor vehicle or item of motor vehicle equipment, any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications, that could in any reasonably foreseeable manner be a causative factor in, or aggravate, an accident or an injury to a person.

## PART 577—DEFECT AND NONCOMPLIANCE NOTIFICATION

Sec.

577.1 Scope.

577.2 Purpose.

577.3 Application.

577.4 Definitions.

577.5 Notification pursuant to a manufacturer's decision.

577.6 Notification pursuant to Administrator's decision.

577.7 Time and manner of notification.

577.8 Disclaimers.

577.9 Conformity to statutory requirements.

577.10 Follow-up notification.

577.11 Reimbursement notification.

577.12 Notification pursuant to an accelerated remedy program.

577.13 Notification to dealers and distributors.

AUTHORITY: 49 U.S.C. 30102, 30103, 30116–30121, 30166; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

SOURCE: 41 FR 56816, Dec. 30, 1976, unless otherwise noted.

### § 577.1 Scope.

This part sets forth requirements for manufacturer notification to owners, dealers, and distributors of motor vehicles and items of replacement equipment about a defect that relates to motor vehicle safety or a noncompliance with a Federal motor vehicle safety standard.

[69 FR 34959, June 23, 2004]

### § 577.2 Purpose.

The purpose of this part is to ensure that notifications of defects or non-

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compliances adequately inform and effectively motivate owners of potentially defective or noncomplying motor vehicles or items of replacement equipment to have such vehicles or equipment inspected and, where necessary, remedied as quickly as possible. It is also to ensure that dealers and distributors of motor vehicles and items of replacement equipment are made aware of the existence of defects and noncompliances and of their rights and responsibilities with regard thereto.

[41 FR 56816, Dec. 30, 1976, as amended at 69 FR 34959, June 23, 2004]

### § 577.3 Application.

This part applies to manufacturers of complete motor vehicles, incomplete motor vehicles, and replacement equipment. In the case of vehicles manufactured in two or more stages, compliance by either the manufacturer of the incomplete vehicle, any subsequent manufacturer, or the manufacturer of affected replacement equipment, shall be considered compliance by each of those manufacturers.

### § 577.4 Definitions.

For the purposes of this part:

*Act* means 49 U.S.C. Chapter 30101–30169.

*Administrator* means the Administrator of the National Highway Traffic Safety Administration or his delegate.

*First purchaser* means the first purchaser in good faith for a purpose other than resale.

*Leased motor vehicle* means any motor vehicle that is leased to a person for a term of at least four months by a lessor who has leased five or more vehicles in the twelve months preceding the date of notification by the vehicle manufacturer of the existence of a safety-related defect or noncompliance with a Federal motor vehicle safety standard in the motor vehicle.

*Lessee* means a person who is the lessee of a leased motor vehicle as defined in this section.

*Lessor* means a person or entity that is the owner, as reflected on the vehicle's title, of any five or more leased vehicles (as defined in this section), as of the date of notification by the manufacturer of the existence of a safety-related defect or noncompliance with a

Federal motor vehicle safety standard in one or more of the leased motor vehicles.

*Owners* includes purchaser.

[41 FR 56816, Dec. 30, 1976, as amended at 60 FR 17270, Apr. 5, 1995]

**§ 577.5 Notification pursuant to a manufacturer's decision.**

(a) When a manufacturer of motor vehicles or replacement equipment determines that any motor vehicle or item of replacement equipment produced by the manufacturer contains a defect that relates to motor vehicle safety, or fails to conform to an applicable Federal motor vehicle safety standard, the manufacturer shall provide notification in accordance with paragraph (a) of § 577.7, unless the manufacturer is exempted by the Administrator (pursuant to 49 U.S.C. 30118(d) or 30120(h)) from giving such notification. The notification shall contain the information specified in this section. The information required by paragraphs (b) and (c) of this section shall be presented in the form and order specified. The information required by paragraphs (d) through (h) of this section may be presented in any order. Except as authorized by the Administrator, the manufacturer shall submit a copy of its proposed owner notification letter, including any provisions or attachments related to reimbursement, to NHTSA's Recall Management Division (NVS-215) no fewer than five Federal Government business days before it intends to begin mailing it to owners. The manufacturer shall mark the outside of each envelope in which it sends an owner notification letter with a notation that includes the words "SAFETY," "RECALL," and "NOTICE," all in capital letters and in type that is larger than that used in the address section, and is also distinguishable from the other type in a manner other than size. Except where the format of the envelope has been previously approved by NHTSA's Recall Management Division (NVS-215), each manufacturer must submit the envelope format it intends to use to that division at least five Federal Government business days before mailing the notification to owners. Submission of envelopes and proposed owner notification letters shall be

made by any means, including those means identified in 49 CFR 573.9, that permits the manufacturer to verify receipt promptly by the Recall Management Division and the date it was received by that division. Notification sent to an owner whose address is in either the Commonwealth of Puerto Rico or the Canal Zone shall be written in both English and Spanish.

(b) An opening statement: "This notice is sent to you in accordance with the requirements of the National Traffic and Motor Vehicle Safety Act."

(c) Whichever of the following statements is appropriate:

(1) "(Manufacturer's name or division) has decided that a defect which relates to motor vehicle safety exists in (identified motor vehicles, in the case of notification sent by a motor vehicle manufacturer; identified replacement equipment, in the case of notification sent by a replacement equipment manufacturer);" or

(2) "(Manufacturer's name or division) has decided that (identified motor vehicles, in the case of notification sent by a motor vehicle manufacturer; identified replacement equipment, in the case of notification sent by a replacement equipment manufacturer) fail to conform to Federal Motor Vehicle Safety Standard No. (number and title of standard)."

(d) When the manufacturer determines that the defect or noncompliance may not exist in each such vehicle or item of replacement equipment, he may include an additional statement to that effect.

(e) A clear description of the defect or noncompliance, which shall include—

(1) An identification of the vehicle system or particular item(s) of motor vehicle equipment affected.

(2) A description of the malfunction that may occur as a result of the defect or noncompliance. The description of a noncompliance with an applicable standard shall include, in general terms, the difference between the performance of the noncomplying vehicle or item of replacement equipment and the performance specified by the standard;